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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/509,872

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Ian H. Duncan

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01/05/2006

MARKS & CLERK

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STATION B

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CANADA

EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/509,872	Applicant(s) DUNCAN ET AL.	
	Examiner Steven HD Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/05 has been entered.
2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8 and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuasa (USP 6085238) in view of Dobbins (USP 5825772).

Yuasa discloses a method and system for forwarding packets, the system comprising incoming and output service interfaces providing service to multiple distinct and isolated user networks (Fig 14 has the networks H1 and H2 or Fig 18-19, 21-22, 25, 28-30, 32, 37, 41, 45, 58, 62 which discloses a plurality of distinct and isolated user network and providing multiple protocols "MPOA, see col. 3, lines 15-25") for providing service for packet and frame levels, MPOA management function (Fig 33, Ref 247a, See col. 46, lines 46-67), ATM switch (Fig 33, Ref 203a, See col. 46, lines 46-67) and managed by a single provider (Fig 33, Ref Network

Management agent) and the service interface related to physical and logical connections includes multiple traffic flows from ingress port (Fig 1, 31, 33, traffic flows such voice and data via ports 41, 2301 of the switch by using physical and logical connection; See col. 1, lines 29-33 and col. 2, lines 10-17); service interfaces supports realms each relating to a specific instance of internetworking service function being public internet access service (Fig 18, Ref 202, encapsulating, Ref 209, encryption for transmitting packet via internet). However, Yuasa fails to disclose the system with multiple forwarding rules based on the routing topology and policing information to each of said distinct and isolated user network; receiving the packets at one of incoming service interfaces; selecting an appropriate forwarding rule based on a source address in the packets and forwarding the packets to one of the output service interfaces based on a destination address in the packet and information in the said forwarding rules; the specific instance is VPN service being a bridged and/or routed and network layer connectivity service. However, in the same field of endeavor, Dobbins discloses the system with multiple forwarding rules based on the routing topology and policing information relevant to each of said distinct and isolated user network (Fig 7 discloses a plurality of forwarding rules based on routing topology and policy of the distinct and isolated network “VLAN or virtual private network”, See col. 13, lines 48-59 and col. 17, lines 22-43); receiving the packets at one of incoming service interfaces (fig 7a, Ref 100, for receiving a data packet from an interface); selecting an appropriate forwarding rule based on a source address in the packets and forwarding the packets to one of the output service interfaces based on a destination address in the packet and information in the said forwarding rules (selecting a rule in order to forward a data packet, based on the source address, to an output interface, col. 17, lines 22-43); the specific instance is public internet access service

(Fig 2,Ref 10); the specific instance is VPN service being a bridged and/or routed and network layer connectivity service (col. 7, lines 48-58).

Since, Dobbins suggests a method and system for forwarding the packets between the source and destination station in virtual private group or non virtual private group in the internet using the security function between the distinct and isolated user networks and Yuasa discloses a system for forwarding the packets between the source and destination station in virtual private group in the ATM network by using MPOA for passing internet packet over ATM network for enhancing a security wherein the client address used to determine if the client is authorized to use the resource. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for selecting a forwarding rule based on the source address for forwarding the data packet as disclosed by Dobbins's system into Yuasa's system in order to provide a secure intra communication between the networks.

Response to Arguments

4. Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.

In response to pages 2-3, the applicant states that Dobbins does not discloses a forwarding rule based on routing topology and policing information revelant to each distinct and isolated user network because Dobbins discloses an access rule. In reply, Dobbins discloses a method and system for using the policy information such as open, one or both secure and don't care and the routing topology such as determined path for establishing an forward rule in order to forward or filter a frame that transit via a switch based on source address to a destination node

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which is coupled to a distinct isolated user networks such VLANs (See col. 13, lines 47-59 discloses after determining the frame can be forwarding to the destination node based on the policy as disclosed Fig 7; determining a path for forwarding the frame based on routing topology “path determined based on routing topology database”; Col. 17, lines 4-53 discloses an access rule “filter or forward” is selected based on source address after destination address is resolve and establishing at least one path between the source and destination and Col. 4, lines 33-46 discloses a switch uses both source and destination address to forward or filter the frame). Thus Dobbins clearly discloses a method and system for selecting a forwarding rule “reads on an access rule “policing information” such as do not forward or forward and determining a path “reads on routing topology” based on routing topology to each of distinct and isolated user networks based on destination address in order to establish a routing table in order to forward the frame to a correct interface based on access policy “policing information” and routing topology “determined path”.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kerr (USP 6243667) discloses a network flow switching and flow data export by establishing a routing table that contains access control and routing information for each user such as low or high bandwidth.

Hughes (USP 5842040) discloses policy cache method and system for using to forwarding the PDUs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'SHD', with a long horizontal line extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
January 4, 2006